

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROOSEVELT McCLENTON,

Civil No. 11cv00441 JNE/JJK

Petitioner,

v.

STATE OF MINNESOTA,

ORDER

Respondent.,

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated April 7, 2011. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. This action be summarily **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 5-6-2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge